

JULY 11, 2014

RULES COMMITTEE PRINT 113-51
H.R. 4719, FIGHTING HUNGER INCENTIVE ACT OF
2014

[Showing the texts of H.R. 2807, H.R. 4619, H.R. 4719, H.R.
3134, and H.R. 4691 as reported by the Committee on Ways
and Means with modifications.]

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “America Gives More
3 Act of 2014”.

4 **SEC. 2. EXTENSION AND EXPANSION OF CHARITABLE DE-**
5 **DUCTION FOR CONTRIBUTIONS OF FOOD IN-**
6 **VENTORY.**

7 (a) PERMANENT EXTENSION.—Section 170(e)(3)(C)
8 of the Internal Revenue Code of 1986 is amended by strik-
9 ing clause (iv).

10 (b) INCREASE IN LIMITATION.—Section 170(e)(3)(C)
11 of such Code, as amended by subsection (a), is amended
12 by striking clause (ii), by redesignating clause (iii) as
13 clause (iv), and by inserting after clause (i) the following
14 new clauses:

15 “(ii) LIMITATION.—The aggregate
16 amount of such contributions for any tax-

1 able year which may be taken into account
2 under this section shall not exceed—

3 “(I) in the case of any taxpayer
4 other than a C corporation, 15 per-
5 cent of the taxpayer’s aggregate net
6 income for such taxable year from all
7 trades or businesses from which such
8 contributions were made for such
9 year, computed without regard to this
10 section, and

11 “(II) in the case of a C corpora-
12 tion, 15 percent of taxable income (as
13 defined in subsection (b)(2)(D)).

14 “(iii) RULES RELATED TO LIMITA-
15 TION.—

16 “(I) CARRYOVER.—If such aggre-
17 gate amount exceeds the limitation
18 imposed under clause (ii), such excess
19 shall be treated (in a manner con-
20 sistent with the rules of subsection
21 (d)) as a charitable contribution de-
22 scribed in clause (i) in each of the 5
23 succeeding years in order of time.

24 “(II) COORDINATION WITH OVER-
25 ALL CORPORATE LIMITATION.—In the

1 case of any charitable contribution al-
2 lowable under clause (ii)(II), sub-
3 section (b)(2)(A) shall not apply to
4 such contribution, but the limitation
5 imposed by such subsection shall be
6 reduced (but not below zero) by the
7 aggregate amount of such contribu-
8 tions. For purposes of subsection
9 (b)(2)(B), such contributions shall be
10 treated as allowable under subsection
11 (b)(2)(A).”.

12 (c) DETERMINATION OF BASIS FOR CERTAIN TAX-
13 PAYERS.—Section 170(e)(3)(C) of such Code, as amended
14 by subsections (a) and (b), is amended by adding at the
15 end the following new clause:

16 “(v) DETERMINATION OF BASIS FOR
17 CERTAIN TAXPAYERS.—If a taxpayer—

18 “(I) does not account for inven-
19 tories under section 471, and

20 “(II) is not required to capitalize
21 indirect costs under section 263A,

22 the taxpayer may elect, solely for purposes
23 of subparagraph (B), to treat the basis of
24 any apparently wholesome food as being

1 equal to 25 percent of the fair market
2 value of such food.”.

3 (d) DETERMINATION OF FAIR MARKET VALUE.—
4 Section 170(e)(3)(C) of such Code, as amended by sub-
5 sections (a), (b), and (c), is amended by adding at the
6 end the following new clause:

7 “(vi) DETERMINATION OF FAIR MAR-
8 KET VALUE.—In the case of any such con-
9 tribution of apparently wholesome food
10 which cannot or will not be sold solely by
11 reason of internal standards of the tax-
12 payer, lack of market, or similar cir-
13 cumstances, or by reason of being pro-
14 duced by the taxpayer exclusively for the
15 purposes of transferring the food to an or-
16 ganization described in subparagraph (A),
17 the fair market value of such contribution
18 shall be determined—

19 “(I) without regard to such inter-
20 nal standards, such lack of market,
21 such circumstances, or such exclusive
22 purpose, and

23 “(II) by taking into account the
24 price at which the same or substan-
25 tially the same food items (as to both

1 type and quality) are sold by the tax-
2 payer at the time of the contribution
3 (or, if not so sold at such time, in the
4 recent past).”.

5 (e) EFFECTIVE DATE.—

6 (1) IN GENERAL.—Except as otherwise pro-
7 vided in this subsection, the amendments made by
8 this section shall apply to contributions made after
9 December 31, 2013, in taxable years ending after
10 such date.

11 (2) LIMITATION; APPLICABILITY TO C CORPORA-
12 TIONS.—The amendments made by subsection (b)
13 shall apply to contributions made in taxable years
14 beginning after December 31, 2013.

15 **SEC. 3. RULE ALLOWING CERTAIN TAX-FREE DISTRIBU-**
16 **TIONS FROM INDIVIDUAL RETIREMENTS AC-**
17 **COUNTS FOR CHARITABLE PURPOSES MADE**
18 **PERMANENT.**

19 (a) IN GENERAL.—Section 408(d)(8) of the Internal
20 Revenue Code of 1986 is amended by striking subpara-
21 graph (F).

22 (b) EFFECTIVE DATE.—The amendment made by
23 this section shall apply to distributions made in taxable
24 years beginning after December 31, 2013.

1 **SEC. 4. SPECIAL RULE FOR QUALIFIED CONSERVATION**
2 **CONTRIBUTIONS MODIFIED AND MADE PER-**
3 **MANENT.**

4 (a) MADE PERMANENT.—

5 (1) INDIVIDUALS.—Subparagraph (E) of sec-
6 tion 170(b)(1) of the Internal Revenue Code of 1986
7 is amended by striking clause (vi).

8 (2) CORPORATIONS.—Subparagraph (B) of sec-
9 tion 170(b)(2) of such Code is amended by striking
10 clause (iii).

11 (b) CONTRIBUTIONS OF CAPITAL GAIN REAL PROP-
12 erty MADE FOR CONSERVATION PURPOSES BY NATIVE
13 CORPORATIONS.—

14 (1) IN GENERAL.—Paragraph (2) of section
15 170(b) of the Internal Revenue Code of 1986 is
16 amended by redesignating subparagraph (C) as sub-
17 paragraph (D), and by inserting after subparagraph
18 (B) the following new subparagraph:

19 “(C) QUALIFIED CONSERVATION CON-
20 TRIBUTIONS BY CERTAIN NATIVE CORPORA-
21 TIONS.—

22 “(i) IN GENERAL.—Any qualified con-
23 servation contribution (as defined in sub-
24 section (h)(1)) which—

25 “(I) is made by a Native Cor-
26 poration, and

1 “(II) is a contribution of prop-
2 erty which was land conveyed under
3 the Alaska Native Claims Settlement
4 Act,
5 shall be allowed to the extent that the ag-
6 gregate amount of such contributions does
7 not exceed the excess of the taxpayer’s tax-
8 able income over the amount of charitable
9 contributions allowable under subpara-
10 graph (A).

11 “(ii) CARRYOVER.—If the aggregate
12 amount of contributions described in clause
13 (i) exceeds the limitation of clause (i), such
14 excess shall be treated (in a manner con-
15 sistent with the rules of subsection (d)(2))
16 as a charitable contribution to which clause
17 (i) applies in each of the 15 succeeding
18 years in order of time.

19 “(iii) NATIVE CORPORATION.—For
20 purposes of this subparagraph, the term
21 ‘Native Corporation’ has the meaning
22 given such term by section 3(m) of the
23 Alaska Native Claims Settlement Act.”.

24 (2) CONFORMING AMENDMENT.—Section
25 170(b)(2)(A) of such Code is amended by striking

1 “subparagraph (B) applies” and inserting “subpara-
2 graph (B) or (C) applies”.

3 (3) VALID EXISTING RIGHTS PRESERVED.—

4 Nothing in this subsection (or any amendment made
5 by this subsection) shall be construed to modify the
6 existing property rights validly conveyed to Native
7 Corporations (within the meaning of section 3(m) of
8 the Alaska Native Claims Settlement Act) under
9 such Act.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to contributions made in taxable
12 years beginning after December 31, 2013.

13 **SEC. 5. EXTENSION OF TIME FOR MAKING CHARITABLE**
14 **CONTRIBUTIONS.**

15 (a) IN GENERAL.—Subsection (a) of section 170 of
16 the Internal Revenue Code of 1986 is amended by redesign-
17 ating paragraphs (2) and (3) as paragraphs (3) and (4),
18 respectively, and by inserting after paragraph (1) the fol-
19 lowing new paragraph:

20 “(2) TREATMENT OF CHARITABLE CONTRIBU-
21 TIONS MADE BY INDIVIDUALS BEFORE DUE DATE OF
22 RETURN.—If any charitable contribution is made by
23 an individual after the close of a taxable year but
24 not later than the due date (determined without re-
25 gard to extensions) for the return of tax for such

1 taxable year, then the taxpayer may elect to treat
2 such charitable contribution as made in such taxable
3 year. Such election shall be made at such time and
4 in such manner as the Secretary may provide. For
5 purposes of this paragraph, an individual's distribu-
6 tive share of a partnership's charitable contribution,
7 and an individual's pro rata share of an S corpora-
8 tion's charitable contribution, shall not be treated as
9 charitable contributions made by such individual.”.

10 (b) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to elections made with respect to
12 taxable years beginning after December 31, 2013.

13 **SEC. 6. MODIFICATION OF THE TAX RATE FOR THE EXCISE**
14 **TAX ON INVESTMENT INCOME OF PRIVATE**
15 **FOUNDATIONS.**

16 (a) IN GENERAL.—Section 4940(a) of the Internal
17 Revenue Code of 1986 is amended by striking “2 percent”
18 and inserting “1 percent”.

19 (b) ELIMINATION OF REDUCED TAX WHERE FOUN-
20 DATION MEETS CERTAIN DISTRIBUTION REQUIRE-
21 MENTS.—Section 4940 of such Code is amended by strik-
22 ing subsection (e).

23 (c) EFFECTIVE DATE.—The amendments made by
24 this section shall apply to taxable years beginning after
25 the date of the enactment of this Act.

1 **SEC. 7. BUDGETARY EFFECTS.**

2 (a) STATUTORY PAY-AS-YOU-GO SCORECARDS.—The
3 budgetary effects of this Act shall not be entered on either
4 PAYGO scorecard maintained pursuant to section 4(d) of
5 the Statutory Pay-As-You-Go Act of 2010.

6 (b) SENATE PAYGO SCORECARDS.—The budgetary
7 effects of this Act shall not be entered on any PAYGO
8 scorecard maintained for purposes of section 201 of S.
9 Con. Res. 21 (110th Congress).

